Attorney Docket No.: B0751/7025
Filed: September 8, 2003
Response to Restriction Requirement

U.S. App. No. 10/658,619
Inventors: Gambale *et al.*
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REMARKS

Claims 1-9 are pending in the application. Amendments have been made to the specification to correct minor typographical errors that would have been clear to the reader. Part number 52 on page 25, line 15 has been corrected to part number 452 to match Fig. 22.
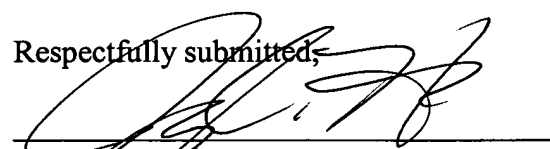
The Restriction Requirement set forth 23 different species. Applicants provisionally elect species (c), as shown in Figs. 10A and 10B, with traverse. Claims 1-2 and 5-9 read on species (a)-(i). Claim 3 reads on species (a)-(e), and claim 4 reads on species (c), (e) and (f)-(i).

Applicants respectfully request that species (a) through species (i) be rejoined on the grounds that these species are all tissue capture devices that change their shape after being implanted in tissue. Claims 1-2 and 5-9 read on species (a)-(i). Claim 3 reads on species (a)-(e), and claim 4 reads on species (c), (e) and (f)-(i).. Proper search and examination of claims 1 through 9 as they pertain to species (c) must necessarily include a search and examination for species (a)-(b) and (d)-(i). Therefore, concurrent examination of the claims as they pertain to species (a) through (i) should place no additional burden on the Examiner.

Applicants therefore request that species (a) through (i) be rejoined as a single species.

Applicants submit that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicants' attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record. Should any additional fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account No. 50-1721, Reference No.: B0751/7025.

Respectfully submitted,

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